

with the recommendation that it do pass.

DUDLEY, Chairman.

THIRD DAY.

Senate Chamber,
Austin, Texas,

Wednesday, July 20, 1921.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Lynch Davidson.

The roll was called, a quorum being present, the following Senators answering to their names.

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| Bailey. | Hertzberg. |
| Bledsoe. | McMillin. |
| Buchanan. | Murphy. |
| Burkett. | Page. |
| Clark. | Parr |
| Cousins. | Richards. |
| Darwin. | Rogers. |
| Davidson. | Suiter. |
| Dorough. | Watts. |
| Doyle. | Williams. |
| Dudley. | Willis. |
| Fairchild. | Wood. |
| Floyd. | Woods |
| Hall. | |

Absent.

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| Baugh. | Witt. |
| Lewis. | |

Absent—Excused.

Carlock.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Murphy.

See Appendix for standing committee reports and petitions.

Bills and Resolutions.

By Senator Cousins:

S. C. R. No. 2, relating to the sale of State's iron plant.

Read first time and referred to Committee on State Affairs.

Simple Resolution No. 2.

By Senator Murphy:

Resolved, that each of the newly elected Senators be furnished a copy of the new Legislative Manual, bound, and his name embossed thereon, the same as furnished other Senators and officers of the Senate.

The resolution was read and adopted.

Simple Resolution No. 3.

By Senators Dudley, Darwin, McMillin:

Whereas, Members of the Legislature have only the Legislative halls to be used as a gathering place in the evenings to discuss the matter they desire; be it

Resolved, That we request the Board of Control to keep the lights going in these halls until midnight.

The above resolution was read and adopted.

Simple Resolution No. 4.

By Senator Bledsoe:

Whereas, It has been the custom since the days of the Republic of Texas to hang portraits of retiring governors in the Rotunda of the Capitol, thus preserving their portraits as a part of the history of our State, and,

Whereas, James E. Ferguson did serve as Governor of Texas from January, 1914 to 1916 in such a manner as to receive the indorsement of the people of Texas by a renomination and re-election to this important position, and thereafter served as Governor for nine months during the year of 1917, and was removed from office by impeachment, and,

Whereas, the portrait of the said James E. Ferguson has not been included with those of former Governors, thus breaking the historic line of portraits; therefore, be it

Resolved, That in order to preserve the history and record of the times, and to keep in sequence these portraits, it is the judgment of the Senate of the State of Texas that the portrait of the said James E. Ferguson should be hung, with those of other Governors, and that the Finance Committee of the Senate be, and they are hereby requested to include in their appropriation budget a sufficient sum for the painting, framing, and hanging of a portrait of the said James E. Ferguson, and upon said funds becoming available, the Board of Control be directed to cause such portrait to be painted, framed and hung as a part of the historic records of Texas.

The above resolution was read second time, and,

Senator Page offered the following amendment:

Amend the resolution by adding at the close the following:

"Provided, that a card shall be attached to said picture: 'Elected on the .. day of .., 1914, impeached and removed by the Legislature of Texas on the .. day of .., 1917.'"

Pending discussion, Senator Dorrough moved to postpone the consideration of the resolution and amendment indefinitely, and later withdrew the motion.

Pending the discussion of the above resolution, a funeral procession of an oversea soldier, passed the Capitol and the Senate ceased business and stood while the procession passed.

Action recurred on Senate Resolution No. 4, and Senator Richards offered the following substitute for the amendment.

Substitute for the pending amendment:

"Elected day of November, 1914; re-elected day of November, 1916; served until day of 1917."

After discussion Senator Dorrough moved that the pending substitute for the amendment, the amendment and the resolution be indefinitely postponed.

The motion was lost by the following vote:

Yeas—7.

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| Davidson. | Suiter. |
| Dorough. | Willis. |
| Dudley. | Witt. |
| Hertzberg. | |

Nays—19.

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|------------|-----------|
| Bailey. | McMillin. |
| Bledsoe. | Murphy. |
| Burkett. | Parr. |
| Clark. | Richards. |
| Cousins. | Rogers. |
| Darwin. | Watts. |
| Doyle. | Williams. |
| Fairchild. | Wood. |
| Floyd. | Woods. |
| Hall. | |

Present—Not Voting.

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| Buchanan. | Page. |
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Absent.

Lewis.

Absent—Excused.

Baugh.

Carlock.

Senator Richards withdrew his substitute for the amendment.

Senator Darwin offered the following substitute for the amendment:

Substitute for pending amendment:

"Provided that a card shall be attached to said picture with the like inscription as is attached to the picture of the other former Governors of Texas."

The substitute for the amendment was adopted by the following vote:

Yeas—19.

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|------------|-----------|
| Bailey. | McMillin. |
| Bledsoe. | Murphy. |
| Burkett. | Parr. |
| Clark. | Richards. |
| Cousins. | Rogers. |
| Darwin. | Watts. |
| Doyle. | Williams. |
| Fairchild. | Wood. |
| Floyd. | Woods. |
| Hall. | |

Nays—8.

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|------------|---------|
| Davidson. | Page. |
| Dorough. | Suiter. |
| Dudley. | Willis. |
| Hertzberg. | Witt. |

Present—Not Voting.

Buchanan.

Absent.

Lewis.

Absent—Excused.

Baugh.

Carlock.

The amendment, as substituted, was adopted:

The resolution, as amended, was then adopted by the following vote:

Yeas—19.

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|------------|-----------|
| Bailey. | McMillin. |
| Bledsoe. | Murphy. |
| Burkett. | Parr. |
| Clark. | Richards. |
| Cousins. | Rogers. |
| Darwin. | Watts. |
| Doyle. | Williams. |
| Fairchild. | Wood. |
| Floyd. | Woods. |
| Hall. | |

Nays—6.

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| Davidson. | Hertzberg. |
| Dorough. | Willis. |
| Dudley. | Witt. |

Present—Not Voting.

Buchanan. Suiter.
Page.

Absent.

Lewis.

Absent—Excused.

Baugh. Carlock.

Simple Resolution No. 5.

By Senator Hertzberg:

Whereas, the Hon. Carlos Bee, a distinguished former member of the Senate of Texas, is now in the Capitol, therefore, be it

Resolved, that he be invited to address the Senate and be extended the privileges of the floor.

HERTZBERG.

PAGE.

BUCHANAN.

The above resolution was read and adopted.

Being escorted to the Chair, former Senator Bee was introduced and addressed the Senate briefly.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, July 20, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate Bill No. 1, Being an appropriation for the mileage and per diem for members and per diem for the employes of the First Called Session of the Thirty-seventh Legislature.

Senate Bill No. 2, Being a bill making appropriations for the contingent expenses of the First Called Session of the Thirty-seventh Legislature, with amendments.

CARL PHINNEY,

Chief Clerk House of Representatives.

Senate Bill No. 2.

Senator Dudley called up Senate Bill No. 2, and moved that the Senate concur in the House amendment, which motion to concur was adopted by the following vote:

Yeas—28.

Bailey. Burkett.
Bledsoe. Clark.
Buchanan. Cousins.

Darwin. Page.
Davidson. Parr.
Dorough. Richards.
Doyle. Rogers.
Dudley. Suiter.
Fairchild. Watts.
Floyd. Williams.
Hall. Willis.
Hertzberg. Witt.
McMillin. Wood.
Murphy. Woods.

Absent.

Baugh. Lewis.

Absent—Excused.

Carlock.

Excused.

On motion of Senator Murphy, Senator Baugh was excused for today.

Simple Resolution No. 6.

Whereas, the body of Private Thomas B. Arbuckle, killed in action in France, now lies in state in the Capitol building of this great State, and,

Whereas, the example of one who made the supreme sacrifice for the best ideals of the world should be kept ever fresh in the memory of the State's sons and daughters; now, therefore, be it

Resolved, That when the Senate adjourns today, that it do so in honor of Private Thomas B. Arbuckle.

WILLIS.

ROGERS.

WITT.

The above resolution was read and adopted.

Morning call concluded.

Simple Resolution No. 1.

Senator Dorough here asked unanimous consent to take up, for consideration at this time, the committee report on Simple Resolution No. 1.

There was no objection.

Committee Room,

Austin, Texas, July 20, 1921.

Hon. Lynch Davidson, President of The Senate.

Sir: We, your Committee on State Affairs, to whom was referred Simple Resolution No. 1, by the terms of which the Governor is directed to furnish certain information relative

to graft to the Senate, have had the same under consideration, and I am directed to report same back to the Senate with the recommendation that it be adopted.

DOROUGH, Vice Chairman.

Committee Room.

Austin, Texas, July 20, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: The undersigned, a minority of the Committee on State Affairs, to whom was referred Simple Resolution No. 1, by the terms of which the Governor is directed to furnish certain information relative to graft to the Senate, recommend that same be not adopted.

DOROUGH.

There being a favorable majority report and a minority unfavorable report,

Senator Dorough moved to substitute the minority (adverse) report for the majority report.

Recess.

On motion of Senator Rogers the Senate, at 12:30 o'clock p. m., recessed until 2 o'clock today.

After Recess.

The Senate was called to order by Lieutenant Governor Davidson.

Message from the Governor.

Governor's Office,

Austin, Texas, July 20, 1921.

To the Texas Senate.

Gentlemen: I herewith transmit to you, for your information, carbon copy of a communication prepared for and sent today to the House of Representatives.

Yours sincerely,

PAT M. NEFF,

Governor.

July 20, 1921.

To the Members of the House of Representatives.

Gentlemen: Some ten days prior to the convening of this Special Session of the Legislature, I deemed it not improper or unbecoming in me as Governor to make some public addresses to my constituents, the people of Texas. I saw fit to talk to them about the administration of their government. In reading over

your House Journal distributed yesterday, I note that your presiding officer in assembling your honorable body, took me to task for "making political speeches when no campaign was on," and charged that I should have been devoting my time to solving financial problems. He also alleged that it was "high time" for me, "instead of so much outside talk" to furnish the Legislature information that what I was saying in my talks to my constituents was true. Following this critical address of your presiding officer one of your members introduced a resolution requesting that I give to the House evidence substantiating the things I had said to the public. While the resolution has not been adopted by the House, not desiring to be put in the attitude of concealing any matter, and especially objecting to the strong insinuation of falsifying on my part, I desire, without waiting for a request to do so, to state what I said and why I said it:

First.

In some of my speeches I charged that for years there had been theft, graft, and mismanagement in connection with our Penitentiary System. I renew the charge now. Proof that this charge is true can be found in the written evidence recently taken by your own Investigation Committee, and taken several years ago by another Penitentiary Investigating Committee, together with other information, all of which is now in my office and can be had for the asking. The documents are too voluminous to send herewith. Our penitentiary has been, for years, so thoroughly shot through with graft and crooked dealings that I did not presume that it had defenders anywhere. With forty thousand acres of the finest cultivated land in Texas worked by convict labor, the net loss last year in operating the expenses went just a little more than one million dollars, while the Mississippi Penitentiary, by cultivating farms cleared over a million dollars.

Second.

I charged that the records revealed the fact that an employee in one of the departments of the government had recently stolen more than twelve

thousand dollars of the people's money. I renew that charge now. My reason for so doing is found in the auditor's report of this department, which audit was made by two auditors at my request. The auditors are within calling distance of the House of Representatives, and their written report is in my office and may be had on request.

Third.

I charged that the records revealed the fact that the sacred school fund of the State had not escaped the greedy hand of graft. I renew that charge now. Documentary and conclusive proof of this can be found at this time in the possession of the secretary of the State Board of Education, Miss Annie Webb Blanton, whose office is in the Capitol building. The evidence is open to your inspection. It will advise you as to the time, the places, and the grafters. This information came to me officially in discharging my duties as Chairman of the State Board of Education.

Fourth.

I charged that I had in my possession evidence and official papers showing that bogus checks, made payable to people who did not even work for the State, had been fraudulently drawn on the public funds. I renew the charge now. This evidence has been in my possession part of it having been secured by me officially. Some two weeks ago it was loaned to Federal Officers at Houston to be used as evidence in a court of inquiry trial, as part of this money involved Federal funds. This evidence can be had from the State Comptroller, the Treasurer and from my office.

Fifth.

I stated that an investigation revealed evidence and official documents that were convincing to me that certain employees of the government had padded their expense accounts and thereby collected from the State money to which they were not entitled. I renew that statement now. The names of the departments, the names of the individuals, and written testimony concerning same can be had at my office by anyone

authorized by your body to receive it. For legal, diplomatic and prudential reasons names are not at this time by me made public. After these matters pass from my hands, they may as far as I am concerned be given to the press. Heretofore all this information has been brought to the attention of the office of the Attorney General of the State, most of it has been known to the proper local officers, and all of it is now accessible to your hands.

In this connection, desire to say, I have had but little time, on account of many other duties, to study, in detail as I had hoped to do, the various departments of the State Government. In my study of the affairs of State hereafter, if any matters of interest develop, I shall gladly, if your honorable body is in session, transmit it to you. If you are not in session, I purpose, with no padlock on my lips, and with no censorship on my tongue, to tell it to my constituents, the people of Texas. I shall reveal, not conceal, the facts. To advise the people of the condition of their government is, as I see it, my duty. Whatever I tell them will be the truth.

Respectfully,
(Sgd.) PAT M. NEFF,
Governor.

Simple Resolution No. 1.

Action recurred on the pending resolution, Simple Resolution No. 1, the question being on the motion to substitute the adverse, minority committee report, for the majority, favorable committee report.

Senator Page moved, as a substitute for the motion, to adopt the minority report, that the resolution and committee reports lie on the table subject to call, which motion prevailed.

Senate Bill No. 6.

The Chair laid before the Senate, as regular order,

S. B. No. 6, A bill to be entitled "An Act making an appropriation for printing to the State Department of Education, in order that bulletins, forms, and blanks for the public schools may be prepared, as nearly as possible by the opening of the scholastic year of 1921-22, and declaring an emergency."

The committee report was adopted. The bill was read second time and passed to engrossment.

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 6 put on its third reading and final passage by the following vote:

Yeas—26.

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| Bailey. | Hall. |
| Bledsoe. | Hertzberg. |
| Buchanan. | McMillin. |
| Burkett. | Page. |
| Clark. | Parr. |
| Cousins. | Richards. |
| Darwin. | Rogers. |
| Davidson. | Suiter. |
| Dorough. | Watts. |
| Doyle. | Willis. |
| Dudley. | Witt. |
| Fairchild. | Wood. |
| Floyd. | Woods. |

Absent.

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| Lewis. | Williams. |
| Murphy. | |

Absent—Excused.

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| Baugh. | Carlock. |
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The bill was read third time and passed finally by the following vote:

Yeas—26.

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|------------|------------|
| Bailey. | Hall. |
| Bledsoe. | Hertzberg. |
| Buchanan. | McMillin. |
| Burkett. | Page. |
| Clark. | Parr. |
| Cousins. | Richards. |
| Darwin. | Rogers. |
| Davidson. | Suiter. |
| Dorough. | Watts. |
| Doyle. | Willis. |
| Dudley. | Witt. |
| Fairchild. | Wood. |
| Floyd. | Woods. |

Absent.

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| Lewis. | Williams. |
| Murphy. | |

Absent—Excused.

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| Baugh. | Carlock. |
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Bills and Resolutions.

(By unanimous consent.)

By Senator Bledsoe:

S. B. No. 7, A bill to be entitled

“An Act to amend Articles 24 and 25 Revised Civil Statutes of Texas, 1911, apportioning the State of Texas into Senatorial Districts; declaring what counties shall constitute each Senatorial District; providing for returns of elections; repealing all laws in conflict herewith, and declaring an emergency.”

Read first time and referred to Committee on Senatorial Redistricting.

Adjournment.

On motion of Senator Dudley the Senate, at 2:30 p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorials.

Senator Bailey sent up, and had referred to Committee on State Affairs, a petition signed by numerous citizens of Victoria, asking an amendment to the present auto truck law.

Senator Hall offered, and had referred to Committee on State Affairs, a petition of numerous citizens of El Campo, protesting against the present motor truck law and urging amendment.

Committee Reports.

(Majority Report)

Committee Room,
Austin, Texas, July 20, 1921.
Hon. Lynch Davidson, President of
The Senate.

Sir: We, a majority of your Committee on Agriculture, to whom was referred Senate Concurrent Resolution No. 1, have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass.

PARR, Chairman.

(Minority Report)

Committee Room,
Austin, Texas, July 20, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: We, the minority of your Committee on Agriculture, to whom was referred Senate Concurrent Resolution No. 1, have had the same under consideration and beg leave to

report the same back to the Senate with a recommendation that it do not pass.

CLARK.
BUCHANAN.

FOURTH DAY

Senate Chamber,
Austin, Texas,
Thursday, July 21, 1921.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Bailey.

The roll was called, a quorum being present, the following Senators answering to their names:

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|------------|------------|
| Bailey. | Hertzberg. |
| Bledsoe. | Lewis. |
| Buchanan. | McMillin. |
| Burkett. | Page. |
| Clark. | Parr. |
| Cousins. | Richards. |
| Darwin. | Rogers. |
| Davidson. | Suiter. |
| Doyle. | Watts. |
| Dodley. | Willis. |
| Fairchild. | Witt. |
| Floyd. | Wood. |
| Hall. | Woods. |

Absent.

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| Dorough. | Williams. |
| Murphy. | |

Absent—Excused.

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| Baugh. | Carlock. |
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Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Darwin.

See appendix for Committee Reports and Petitions and Memorials.

Excused.

On account important business:

Senator Murphy for today, on motion of Senator Hall.

Senator Dorough until Tuesday, on motion of Senator Suiter.

Simple Resolution No. 7.

By Senator Clark:

Whereas, The Governor has charged, in a message to this Legislature, that the sacred school fund of this State has not escaped the greedy hand of graft, therefore, be it

Resolved, by the Senate of Texas, that a committee of three Senators

be appointed, with all the powers conferred upon investigating committees of the Legislature by Articles 5517 to 5524, both inclusive, of the Revised Civil Statutes of the State of Texas, to investigate any or all of the official acts, doings and business transactions of the present administration of the State Department of Education from the date of the assuming of the office of State Superintendent of Public Instruction by Miss Annie Webb Blanton in January, 1919, down to the conclusion of such investigation by said committee; that said committee shall make such investigation as speedily as possible and report their findings back to this session of the Legislature if within their power to do so, but if the Legislature be not in session when said committee shall have completed their findings then in that event they shall make their report to the Governor to be by him submitted to the Legislature at its next session; that the compensation of the members of said committee shall be five dollars per day when the Legislature is not in session and their transportation and other necessary and actual expenses incurred by them in conducting such investigation.

Resolved, That said committee shall have power to issue all necessary process in the taking of testimony, to summon witnesses in the name of the State to appear before them under oath, to swear witnesses and by a majority vote to punish for contempt in like manner and to the same extent and under the same rules as a district court; that the committee shall have power to pay witnesses subpoenaed to appear before them the same mileage and per diem as allowed by law to witnesses in civil cases in the district courts of this State; and that the committee shall have power to employ an auditor or expert accountant, if in their judgment they deem it necessary, to make an audit of said department for said period or any part thereof.

Resolved further, that said committee be allowed a secretary and a stenographer to be allowed the same compensation as provided for said committee.

Resolved, that the expenses of said investigation shall be paid out of the mileage and per diem and the